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## MEMORANDUM

**To:** Zoning Committee of the Planning Commission (ZOCO) **Date:** March 6, 2023

Elizabeth King, Commercial Development Specialist, Arlington Economic Development

**From:** Jill Hunger, Assistant Director, Department of Community Planning, Housing and Development

Marc McCauley, Director of the Real Estate Development Group, Arlington County Economic Development

**Subject:** Indoor Recreation – Zoning Ordinance Amendment

### Introduction

At their March 14, 2023, meeting, the Planning Commission's Zoning Committee (ZOCO) will review a proposed amendment to the Arlington County Zoning Ordinance (ACZO) that would condense many of the existing the indoor recreation uses into an "all other indoor recreation" line in the Commercial Mixed Use District Principal Use Table. The amendment would also include updates to the examples provided for indoor recreation to include modern recreation types and would allow for the expansion of indoor recreation uses in a range of mixed-use, commercial, and industrial zoning districts. Indoor recreation is a growing industry and an essential component of vibrant downtowns, providing visitors and patrons with necessary third places to connect and bond over shared interests and activities, while further strengthening social ties and building community.

This is the third phase of work that forwards the County Manager's strategy to ensure commercial market resiliency in Arlington. The County Board approved the County Manager's request to authorize an initial advertisement (Request to Advertise (RTA)) at its November 12, 2022, with an updated RTA approved at the February 18, 2023,

meeting. Public hearings are anticipated for the April 10, 2023, Planning Commission meeting and the April 22, 2023, County Board meeting.

Staff's recommended changes to the ACZO are found in Attachment 1.

### **Background**

The proposed entertainment and recreation ordinance amendment is a continuation of the [Commercial Market Resiliency \(CMR\)](#) strategy, proposed by the County Manager and authorized by the County Board in April 2022 and reconfirmed in September 2022 and January 2023. The CMR strategy and its associated streamlined process allows the County to respond to the quickening pace of economic change and innovation, as well as shifting consumer behaviors, expectations, and business practices. Key outcomes of the CMR strategy include the establishment of commercial uses that are not clearly defined in the ordinance today, the integration of modern descriptions of uses into the zoning ordinance and restructuring or minor editorial changes to the ordinance for clarity. The continued application of the quick, nimble, and nuanced CMR approaches for new, expanded, or amended uses allows Arlington to maintain its competitive edge in the region and nationally, while moving more quickly than the traditional zoning study.

### **Discussion**

Commercial indoor recreation uses provide essential third places for people to connect and bond over shared interests and activities, while strengthening social ties and building community. Indoor recreation spaces can also be used for office ice breaking sessions, team building, and enhanced communication. Competitive socializing, which mixes traditional activities such as darts, ping-pong, and miniature golf with high-end food and beverage experiences is a growing market segment. Indoor recreation spaces can also provide year-round outlets for physical and social activity. Finally, with a shrinking demand for office space, and the growing trend of more mixed-use residential districts, there will be continued demand for places that offer opportunities for jobs, civic, and recreational facilities in close proximity to home. Arlington continues to experience locally what has been observed nationally, with particular emphasis due to the impacts of the Covid-19 pandemic – the continued transformation of its formerly single-use business districts into more vibrant, attractive, mixed-use environments with a blend of places to live, work and play.

Currently, there are a variety of challenges associated with the Entertainment and Recreation uses and Use Categories in the Arlington County Zoning Ordinance (ACZO):

- Currently, some of the indoor recreation uses are allowed in very few districts, while others require an extensive approval process, making what could be simple use changes, or the opening of a new business more difficult, resulting in greater uncertainty for applicants.
- The Recreation, Indoor uses listed in the use table are limited and are not flexible or inclusive of modern indoor recreation trends. Augmented and virtual reality gaming, pickle ball, miniature golf, axe throwing, escape rooms, curling, feather bowling, and fowling are some of the many examples of in-demand indoor recreation.
- Modern zoning best practices now recommend using broad terminology and use categories to regulate similar uses with similar impacts, moving away from the practice of creating exhaustive lists of individual uses. This enables easier changes of use, helping to keep buildings occupied, as markets and preferences change.

The importance of updating the ACZO to enable an expansive variety of commercial indoor recreation uses in additional commercial mixed-use districts in Arlington is fourfold. First, these uses can provide occupancy opportunities for commercial spaces that are experiencing high vacancy rates. Second, the expansion of this group of uses can support Arlington's competitive market positioning for residents, workers and visitors who would benefit from the recreation experiences they offer. Third, commercial indoor recreation businesses with an interest in Arlington would have a smooth and predictable permitting process with zoning regulations aligned with their offerings. And fourth, consistent regulation across commercial and mixed-use districts involving indoor recreation uses, or a combination of recreation, food, and beverage uses, would allow for a streamlined staff review of applications.

Since the County Board's initial authorization to advertise this zoning ordinance amendment, staff has continued to research the scale, nature and impacts of indoor recreation uses, as well as zoning best practices. The proposed zoning ordinance amendment presented in Attachment 1 further refines: 1) the consolidation of a number of similar uses with similar impacts into a broad use category, 2) the appropriateness of the use relative to each of the zoning districts under consideration, and 3) updated examples of the use.

**Public Engagement**

Given the limited impact of this proposed use, staff is using tools primarily from the Communicate levels of engagement.

*Level of Engagement:* **Communicate**

Staff believes this level of engagement is appropriate.

*Outreach Methods:*

Public notice will be given in accordance with the Code of Virginia §15.2-2204. Notices of the Planning Commission and County Board public hearings for this zoning ordinance amendment will be placed in the March 28, 2023, and the April 4, 2023, issues of the Washington Times for the April 10, 2023, Planning Commission, and April 22, 2023, County Board meetings. In addition to the above legal requirements:

- Staff has published information about this study on the [Commercial Market Resiliency Initiative](#) web page. Staff contact information is available on the website, along with a comment feedback form for submitting comments directly to staff.
- Based on further staff analysis and any additional input received, staff will include a descriptive summary of the proposed action in a legally required advertisement prior to the public hearings by the Planning Commission and County Board. This descriptive summary would detail the proposed zoning ordinance amendments.

**Proposed Schedule**

- February 18, 2023: County Board resolution for Request to Advertise (RTA)
- March 14, 2023: Zoning Ordinance Committee Meeting (ZOCO)
- April 10, 2023: Planning Commission public hearing and recommendation
- April 22, 2023: County Board public hearing and action

ATTACHMENT 1

In the proposed amendment:

- Text proposed to be added is shown with underline and text proposed to be deleted is shown with strikethrough.
- Where paragraphs have been inserted or deleted, all subsequent paragraphs would be renumbered accordingly, and all references throughout the ACZO and Appendices A and B (FBC and N-FBC) would be updated accordingly.

**Article 7. Commercial/Mixed Use (C) Districts**

**§7.1. Commercial/Mixed Use (C) District Use Tables**

§7.1.2. Commercial/mixed use (C) districts principal use table

COMMERCIAL/MIXED USE (C) DISTRICTS PRINCIPAL USE TABLE																						
	Specific Use Types	RA4.8	R-C	RA-H	RA-H-3.2	C-1-R	C-1	MU-VS	C-1-O	C-O-1.0	C-O-1.5	C-O-2.5	C-O	C-O-A	C-O ROSSLYN	C-O CRYSTAL CITY	C-2	C-TH	C-3	C-R	Use Standards	
KEY: C = requires use permit and site plan approval; P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted																						
<b>Retail, Service and Commercial Use Categories (See §12.2.5)</b>																						
Entertainment (See §12.2.5.A)	Game arcades	C	C	C		U	U		C	C	C	C	U	C	C	U	U	U				
	Movie or other theaters	S	S	S			P		S	S	S	S	P	S	S	P	P	P	P			
	Membership clubs and lodges	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U		U	U		§12.5.13
	All other entertainment uses	S	S	S			P		S	S	S	S	P	S	S	P	P	P	S			
Recreation, Indoor (See §12.2.5.F.2(a))	Billiard or pool halls						U														U	
	Bowling alley	C	C	C					C	C	C	C	U	C	C	U	U	U	U		C	
	Driving ranges																	U				
	Miniature golf courses																		U			
	Skating rink	C	C	C			U		C	C	C	C	U	C	C	U	C	U	C	U	C	
	Swimming pool, <u>commercial</u>	S	S	<del>S</del>	S		P		S	S	S	S	P	S	S	P	P	P	P			
	Tennis, racquet or handball courts	C	C	C			U	U	C	C	C	C	U	C	C	U	C	U	C	U	C	
<u>All other indoor recreation</u>	<u>S</u>	<u>P</u>	<u>S</u>	<u>S</u>		<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
Recreation, Outdoor (See §12.2.5.F.2(b))	Driving ranges																	U				
	Miniature golf courses	C	C	C					C	C	C	C	U	C	C	U	C	U	U	U	U	
	Skating rinks	C	C	C			U		C	C	C	C	U	C	C	U	C	U	C	U	C	
	Tennis, racquet or handball courts	C	C	C			U	U	C	C	C	C	U	C	C	U	C	U	C	U	U	

**COMMERCIAL/MIXED USE (C) DISTRICTS PRINCIPAL USE TABLE**

Specific Use Types	RA4.8	R-C	RA-H	RA-H-3.2	C-1-R	C-1	MU-VS	C-1-0	C-O-1.0	C-O-1.5	C-O-2,5	C-O	C-O-A	C-O ROSSLYN	C-O CRYSTAL CITY	C-2	C-TH	C-3	C-R	Use Standards
Swimming pool, <u>commercial</u>	C	C	C					C	C	C	C	U	C	C	U	C	U	C		
All other outdoor <del>entertainment</del> <u>recreation</u>	C	C	C		U	U		C	C	C	C	U	C	C	U	U	U	U		

KEY: C = requires use permit and site plan approval; P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted

**Article 8. Industrial (M) Districts**

**§8.1. Industrial (M) District Use Tables**

**§8.1.2. Industrial (M) districts principal use table**

**INDUSTRIAL (M) DISTRICTS PRINCIPAL USE TABLE**

Use Category	Specific Use Types	CM	M-1	M-2	Use Standards
KEY: P = allowed by-right; U = requires use permit approval; S = requires site plan approval; Blank cell = not permitted					
<b>Retail, Service and Commercial Use Categories (See §12.2.5)</b>					
Entertainment (See §12.2.5.A)	<del>Game arcades</del>	U	U	U	
	Membership clubs and lodges	U	U	U	§12.5.13
	All other entertainment uses	P	P	P	§12.5.7
Recreation, indoor (See §12.2.5.F.2(a))	<del>Bowling alley</del>	U	U	U	
	<del>Skating rink</del>	U	U	U	
	Swimming pool, <u>commercial</u>	P	P	P	
	<del>Tennis, racquet or handball courts</del>	U	U	U	
	All other indoor recreation uses	U	U	U	
Recreation, outdoor (See §12.2.5.F.2(b))	Miniature golf courses	U	U	U	
	Swimming pool, <u>commercial</u>	U	U	U	
	Skating rink	U	U	U	
	Tennis, racquet or handball courts	U	U	U	

## Article 11. Overlay and Form Based Code Districts

### §11.1 CP-FBC, Columbia Pike Form Based Code District

#### §11.1.5. Columbia Pike Form Based Code district principal use table

The following use table summarizes the principal use regulations of the CP-FBC district.

COLUMBIA PIKE FORM BASED CODE DISTRICT PRINCIPAL USE			
	Specific Use Types	CP-FBC	Use Standards
<b>Retail, Service and Commercial Use Categories (See §12.2.5)</b>			
Recreation, Indoor (See §12.2.5.F.2(a))	Bowling alleys	U	
	Swimming pool, <u>commercial</u>	P	
	Skating rink	P	
	All other indoor recreation	U P	§12.5.19
Recreation, Outdoor (See §12.2.5.F.2(b))	Miniature golf course	U	
	Skating rink	P	
	Swimming pool, <u>commercial</u>	U	

## Article 12. Use Standards

### §12.2. Use Categories

#### §12.2.5. Retail, service and commercial use categories

##### A. Entertainment

##### 1. Characteristics

Generally commercial uses, varying in size, providing daily or regularly scheduled entertainment-oriented activities.

##### 2. Examples

Examples of entertainment uses include adult entertainment establishment; ~~game arcades~~; dance halls; movie or other theaters; and membership clubs and lodges.

##### 3. Accessory uses

Associated offices; concessions; food preparation and dining areas; maintenance facilities; parking; and restaurants.

##### 4. Uses not included

Botanical gardens; nature preserves; golf courses or country clubs (see Parks and Open Areas Space).

## F. Recreation

### 1. Characteristics

Generally commercial uses, varying in size, providing daily or regularly scheduled recreation activities. Such activities may take place outdoors (outdoor recreation) or within a number of structures (indoor recreation).

### 2. Examples

#### (a) Indoor recreation

Examples of indoor recreation uses include indoor recreation activities such as **amusement and video arcades, axe throwing,** billiard or pool halls, bowling alleys, **bocce ball,** driving ranges, tennis, handball and racquetball, and courts **court game facilities, escape rooms,** ~~skating rinks,~~ **curling, indoor playgrounds/play areas, indoor skating facilities, feather bowling, fencing, fowling,** miniature golf, **laser tag, table-top game rooms, trampoline parks, indoor climbing gyms, recreational crafting activities, virtual and augmented reality gaming,** and firing ranges, **and similar establishments** conducted within an enclosed building

#### (a) Outdoor recreation

Examples of outdoor recreation uses include amusement parks; batting cages; dog or horse tracks; fairgrounds; golf driving ranges, miniature golf facilities; riding academies or boarding stables; stadiums and arenas; tennis, handball or racquetball courts, skating rinks; and water parks.

### 3. Accessory uses

Associated offices; concessions; food preparation and dining areas; maintenance facilities; parking; and restaurants.

### 4. Uses not included

Botanical gardens; nature preserves; golf courses or country clubs (see Parks and Open Areas **Space**).



## Commercial Form Based Code (Appendix A)

### Section III. The Regulating Plans

Table 3.1

FORM BASED CODE GROUND STORY USE TABLE				
Use Category	Specific Use Types	Permitted (P) or Use Permit (U)	Restricted on Principal Arterials per III.B.5.D	ACZO Use Standards
Retail, Service and Commercial Use Categories				
Recreation	Miniature golf courses	U		
	All other indoor recreation uses	U P		

### Section IV. Building Envelope Standards

#### IV. Building Envelope Standards: Main Street Sites

##### 4. Use Specifications

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##### Upper Stories

Uses identified in Table 3.1 are not permitted on the upper STORIES, except those of less than 900 square feet, offices, artisan beverage, artisan workshops, **indoor recreation**, restaurants of any size, urban agriculture, animal boarding and second STORIES as continuation of the GROUND STORY use that have direct Columbia Pike frontage. Otherwise, UPPER STORIES shall house residential, or hotel uses, or some combination thereof.

## Neighborhoods Form Based Code (Appendix B)

### Part 9. Building Use Standards

#### 901. Building Use Table

BUILDING USE TABLE			
Use Category	Specific Use Types	Permitted (P) or Use Permit (U)	ACZO (§) and N-FBC (Section) Use Standards
Upper Story and Ground Story Commerce			
Recreation, Indoor	Skating rink	P	
	Tennis, racquet or handball courts	U	
	Swimming pool, <b>commercial</b>	P	
	<b>All other indoor recreation</b>	P	
Retail			
Recreation, Indoor	Billiard or pool halls	U	
	Bowling alleys	U	